

# CHILDREN'S COURT MEDIATION PROGRAM (CCMP)

## AGREEMENT TO MEDIATE

CYFD Facts #: \_\_\_\_\_ Court Case JQ#: D- \_\_\_\_\_ -JQ- \_\_\_\_\_ - \_\_\_\_\_  
County: \_\_\_\_\_ Judicial District: \_\_\_\_\_  
Family Names: \_\_\_\_\_  
Name of Youngest Child on the Case:  
First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

**Mediation Definition:** Mediation is a voluntary way of resolving issues. The mediation participants work together with a professionally trained mediator to talk and problem solve. Mediation works best when the participants take an active role in the process.

**Mediator Role:** The mediator is neutral, unbiased and impartial. The mediator helps participants talk about issues that are important to them and explore workable solutions. The mediator cannot act as an attorney, advocate, counselor, or judge, and will not take sides or issue decisions. The mediator does not provide legal advice or counseling services. Participants are encouraged to consult with other professionals during the mediation process.

**Mediation Party Role:** The mediation parties have the responsibility for decision-making. The parties will not be forced to make agreements.

**Other Persons:** Typically mediation is most effective when only the parties directly involved in the situation are present during the mediation. Other persons may attend only if their roles are clarified in advance and if all mediation parties agree.

**Confidentiality:** Mediation is a private process. No recording of the mediation session is allowed. Confidentiality allows all participants to feel free to explore issues and potential solutions. The mediator will check with participants about what, if any, information may be shared and with whom the information may be shared. Under New Mexico law<sup>1</sup>, the mediator will not share information learned in mediation except as required by law (such as to report new allegations of child abuse or threats of physical harm). All participants agree that the mediators will *not* be called to testify in court about the mediation.

**Agreement:** The mediator may assist parties in drafting an agreement, as appropriate. All parties should consider having the agreement reviewed by an independent lawyer before signing. If no agreement is reached during mediation, the only information shared is that the mediation ended without an agreement. The mediator will not make any recommendations or give any opinions on the case. Signed written agreements may not be confidential in some cases.

### WE AGREE TO THE STATEMENTS WRITTEN ABOVE:

_____ Signature	_____ Date	_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Signature	_____ Date	_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Mediator Signature	_____ Date				

<sup>1</sup> See, Mediation Procedures Act, §§44-7B-1 to -6, NMSA; Evidence Rule 11-408, NMRA.